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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,072	10/19/2001	Robert Dale Haun	DEE6270P0140US	3900

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT PAPER NUMBER

3618

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,072

Applicant(s)

HAUN ET AL.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 27, 2002 has been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhew US 3,815,701 in view of Boothman et al. US 6,206,122.

Mayhew discloses a tractor 8 having a frame 12 with a front portion 12a and a hood 10 with a frame, which is fastened to the front portion 12a of the tractor frame only at the lower portion of the frame of the hood. See Figures 1-3. Also, the hood frame is hollow in that the walls of the frame form a cavity for accommodating the tractor body 8. See Figure 2.

Although the hood 10 of Mayhew is positioned in the forward portion of the tractor where a grille is commonly located, Mayhew does not identify the hood as a grille. However, Boothman et al. teaches that such a hood is commonly recognized as a grille 18. See Figure 1 and column 3, lines 7 and 8. From the teachings of Boothman

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et al., providing hood 10 of Mayhew as a grille would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow cooling air to pass to the engine compartment.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhew US 3,815,701 in view of Boothman et al. US 6,206,122 as applied to claim 1 above, and further in view of Thompson US 4,681,302.

Mayhew does not disclose the material of the grille. Thompson teaches that molded, cross-linked, polyethylene is an advantageous material in that it provides high strength, resilience, and resistance to permanent deformation. See column 5, lines 47-50. Moreover, the use of polymeric material in forming tractor grilles was old and well known in the art at the time the invention was made. Since the tractor of Mayhew would benefit from having a grille that is high strength, resilient, and resistant to permanent deformation, forming the grille of molded, cross-linked, polyethylene, as taught by Thompson, would have been obvious to one of ordinary skill in the art at the time the invention was made.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeen US 3,622,174 in view of Storer US 6,318,773.

Wakeen discloses a tractor having a frame 11, 12, and 22, a grille, a pair of brackets (note the members attached to the forward ends of frame members 11 and 12 by bolts 23 and 24), and a guard 29 fastened to the brackets at sockets 26 and 27 in

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front of the grille. The frame of the grille is fastened to the front portion of the frame of the tractor by hinges 17, 18, and 19, and is hollow in that the walls of the frame form a cavity for accommodating the tractor body. Also, the brackets are mounted to the front portion of the frame of the tractor and project frontwardly from the front portion of the frame of the tractor. Wakeen does not disclose that the brackets projects through an aperture on the frame of the grille. See Figures 1-3.

However, Storer teaches that the practice of projecting guard support brackets 36 through an aperture 76 in a lower portion of a frame of a grille was old and well known in the art at the time the invention was made. See Figure 2 and column 5, lines 58-61. From the teaching of Storer, arranging the grille of Wakeen such that the brackets project through an aperture in a lower portion of the grille frame would have been obvious to one of ordinary skill in the art at the time the invention was made. This would hide most of the bracket structure for a more appealing outer appearance to the tractor.

Claims 5, 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeen US 3,622,174 in view of Storer US 6,318,773 as applied to claims 4 and 9 above, and further in view of Mayhew US 3,815,701.

Although Wakeen discloses that the grille is fastened to the frame of the tractor at the lower portion of the frame of the grille by hinges 17, 18, and 19, the disclose does not clearly establish that the grille is fastened to the tractor frame only at the lower portion. However, Mayhew teaches that fastening a grille to a tractor frame only at the

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lower portion of the grille frame was old and well known in the art at the time the invention was made. See Figures 2 and 3 and column 1, lines 7-11. From the teachings of Mayhew, fastening the grille of Wakeen to the tractor frame only at the lower portion of the grille frame would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow the grille to be quickly attached and detached from the frame for maintenance.

Claims 7, 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeen US 3,622,174 in view of Storer US 6,318,773 as applied to claims 4 and 9 above, and further in view of Thompson US 4,681,302.

Wakeen does not disclose the material of the grille. Thompson teaches that molded, cross-linked, polyethylene is an advantageous material in that it provides high strength, resilience, and resistance to permanent deformation. See column 5, lines 47-50. Moreover, the use of polymeric material in forming tractor grilles was old and well known in the art at the time the invention was made. Since the tractor of Wakeen would benefit from having a grille that is high strength, resilient, and resistant to permanent deformation, forming the grille of molded, cross-linked, polyethylene, as taught by Thompson, would have been obvious to one of ordinary skill in the art at the time the invention was made.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 and 15 each define the grille frame as having frame members that are hollow. This feature, in combination with the further limitations of the claims, is not disclosed or taught by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murakawa and Lein et al. disclose that forming tractor grilles of polymeric material was old and well known in the art at the time the invention was made. Mizuta, Geisler, Schonauer, and Arps disclose tractor grille and guard arrangements. Alfter et al. and Symons disclose further advantages of polymeric material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Christopher Bottorff". The signature is written in a cursive, flowing style with some loops and flourishes.

Christopher Bottorff
May 2, 2003